

SENATE BILL 2245

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 6, relative to the board for licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-6-118(d), is amended by deleting the existing language in its entirety and substituting instead the following:

(d) The board has the power to revoke, suspend, or refuse to renew any license granted by it for any of the reasons stated in this section including:

(1) Failure to observe the terms and conditions of any license or renewal granted under the provisions of this chapter or any bylaws, rules or regulations adopted or promulgated by it as provided in § 62-6-108, or for a violation of the terms of any license; and

(2) Failure to update the licensee's business address with the board within ten (10) days of the change of address;

(3) Failure to respond to a complaint filed with the board; and

(4) Whenever any licensee pleads guilty or *nolo contendere* or is convicted of any felony, the licensee shall within sixty (60) days notify the board of that conviction and provide the board with certified copies of the conviction. The licensee's license shall automatically be revoked sixty (60) days after the licensee's conviction unless the licensee makes a written request to the board for a hearing during that sixty (60) day period. Following any such hearing held pursuant to this section, the board in its discretion may impose upon that licensee any sanction permitted by this chapter.

SECTION 2. Tennessee Code Annotated, Section 62-6-119(b), is amended by deleting the existing language and substituting instead the following:

(b) Any person or entity involved in the preparation of the invitation to bid or comparable bid documents shall direct that the name, license number, expiration date thereof,

license classification, and monetary limit of the contractors applying to bid for the prime contract, electrical, plumbing, heating, ventilation, and air conditioning contracts shall appear on the outside of the envelope containing the bid except when the bid is in an amount less than twenty-five thousand dollars (\$25,000). When the bid is less than twenty-five thousand dollars (\$25,000), the names of the contractors only may appear on the outside of the envelope containing the bid, and upon opening the envelope, if such bid is in excess of twenty-five thousand dollars (\$25,000), the same shall automatically be disqualified. Only one (1) contractor in each classification may be listed. Prime contractor bidders who are to perform the electrical, plumbing, heating, ventilation, or air conditioning must be so designated upon the outside of the envelope with the name, license number, expiration date thereof, license classification and monetary limit. Failure of any bidder to comply therewith shall void such bid and the envelope containing such bid shall not be opened or considered. It is the duty and responsibility of the awarding person or entity who received the envelope containing the bid to verify only the completeness of the required licensure information prior to the opening of the envelope. Prior to the opening of the envelope, the names of all contractors listed thereon shall be read aloud at the official bid opening and incorporated into the bid. Prior to awarding a contract, the awarding person or entity and its authorized representatives shall verify the accuracy, correctness and completeness of the information required hereby. The failure of any bidder to comply with all of the provisions hereof shall automatically disqualify such bid. In the case of an electronic bid proposal, a contractor may submit an authentic digital signature, as defined in the Electronic Signatures in Global and National Commerce Act, on the electronic bid proposal accompanied by the license number of the contractor. However, bids administered by the Tennessee department of general services shall require that the information be furnished within the bid or bid document and need not appear on the envelope.

SECTION 3. Tennessee Code Annotated, Section 62-6-125, is amended by deleting the existing language in its entirety and substituting instead the following:

The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under this chapter. Notwithstanding any provision of law, all notices and answers required or authorized to be made or filed under this section may be served or filed personally, or by registered mail, to the last known business address of the addressee. If served personally, the time shall run from the date of service and if by registered mail, from the postmarked date of the certified mail receipt.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.